

LOCAL RULES

OF THE

UNITED STATES BANKRUPTCY COURT

FOR THE NORTHERN DISTRICT OF OKLAHOMA

EFFECTIVE APRIL 1, 2000



FILED ♦

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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF OKLA

IN RE:

**THE ADOPTION OF LOCAL RULES FOR THE
UNITED STATES BANKRUPTCY COURT FOR
THE NORTHERN DISTRICT OF OKLAHOMA,**

Misc. Order No. 114

In June 1997, the Court appointed the following distinguished attorneys to the Advisory Committee on Local Bankruptcy Rules to review and make recommendations to the Court regarding revisions to the Local Rules of this Court:

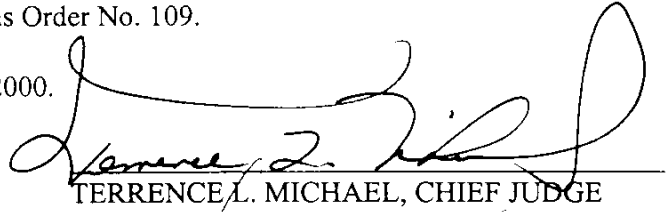
Sam G. Bratton, II, Chairman
Lonnie D. Eck
Sidney K. Swinson
Paul R. Thomas
Terry M. Thomas
Robert A. Todd

Public notice of proposed revised Local Bankruptcy Rules and an opportunity for comment has been provided. The revised Local Bankruptcy Rules have also been approved by the United States District Court for the Northern District of Oklahoma and the United States Court of Appeals for the Tenth Circuit.

IT IS THEREFORE ORDERED that the attached Rules are adopted as the Local Rules of the United States Bankruptcy Court for the Northern District of Oklahoma, effective April 1, 2000.

IT IS FURTHER ORDERED that such Rules replace and supersede all local rules previously adopted and all procedural standing orders previously entered, except as expressly provided for in said Rules and except for Miscellaneous Order No. 109.

Dated this 13th day of March, 2000.



TERRENCE L. MICHAEL, CHIEF JUDGE



DANA L. RASURE, BANKRUPTCY JUDGE

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**LOCAL RULES OF THE UNITED STATES BANKRUPTCY
COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA**

EFFECTIVE DATE: APRIL 1, 2000

**PART I. COMMENCEMENT OF CASE; PROCEEDINGS RELATING TO PETITION AND
ORDER FOR RELIEF**

Rule

1001. Scope of Rules and Forms; Short Title; Definitions

- (a) Rules Applicable. These local rules govern all cases and proceedings before this Court.
- (b) Citation. These rules shall be known as the "Local Rules of the United States Bankruptcy Court for the Northern District of Oklahoma" and may be cited as "Bankr. N.D.Okla. LR____" or as "LR____" or as "Local Rule____" as appropriate.
- (c) Waiver of Rules. The Court may waive any provision of these local rules upon its own motion or upon the motion of any party in interest. An order pertaining to procedure entered in a case or proceeding will govern the case or proceeding notwithstanding that the order may be at variance with these rules.
- (d) Effective Date; Prior Rules and Orders. These local rules govern all cases and proceedings pending before this Court on the effective date specified above and thereafter, and shall supersede all local rules and standing orders pertaining to rules of procedure previously adopted and entered by the Court, unless such standing order is specifically incorporated herein.
- (e) Interim Standing Orders. These local rules may be modified or supplemented from time to time by the Court by Interim Standing Orders. Interim Standing Orders shall be maintained by the Clerk and shall be available upon request.
- (f) Bankruptcy Court Clerk. References to the "Clerk" in these rules shall mean the Court Clerk of the United States Bankruptcy Court for the Northern District of Oklahoma.
- (g) Bankruptcy Code. References to the "Code" in these rules shall mean the United States Bankruptcy Code.
- (h) Bankruptcy Rules. References to "Bankruptcy Rules" in these rules shall mean the Federal Rules of Bankruptcy Procedure.
- (i) Local Rules. References to "Local Rules" in these rules shall mean these Local Rules of the United States Bankruptcy Court for the Northern District of Oklahoma.
- (j) District Court. References to "District Court" in these rules shall mean the United States District Court for the Northern District of Oklahoma.
- (k) District Court Local Rules. References to "District Court Local Rules" in these rules shall mean the Local Rules of the United States District Court for the Northern District of Oklahoma.
- (l) Bankruptcy Appellate Panel. References to "BAP" in these rules shall mean the Bankruptcy Appellate Panel of the United States Court of Appeals for the Tenth Circuit.

1002. Commencement of Case

The Clerk shall prescribe the number of copies of the petition required to commence a case.

1003. Involuntary Petition

See Local Rule 1002.

1004. Partnership Petition

See Local Rule 1002.

1006. Filing Fee

- (a) Payment of the filing fee to commence a case shall be by cash, cashier's check or money order payable to "Clerk, U.S. Bankruptcy Court,@ or by personal check as provided by subdivisions (b) and (c) of this rule.
- (b) Payment of the filing fee to commence a case by personal check is permitted, except that checks drawn on the debtor's account shall not be accepted. See Local Rule 5070.
- (c) Any petition presented for filing without proper provision for payment of the filing fee may not be accepted for filing by the Clerk.
- (d) See also Local Rules 5005(e) and (f).

1007. Lists, Schedules, and Statements; List of Creditors (Official Mailing Matrix)

- (a) Number of Copies. The Clerk shall prescribe the number of copies of the lists, schedules, and statements required by Bankruptcy Rule 1007 and Local Rule 2016(a) to be submitted for filing.
- (b) Instructions for Compilation of Lists, Schedules, and Statements for Filing. The Clerk shall maintain instructions showing the manner in which lists, schedules, and statements are to be compiled for filing and the required number of copies to be submitted for filing. The instructions shall be made available by the Clerk upon request.
- (c) Instrumentalities of the United States. If any one or more of the following named agencies, departments, or instrumentalities of the United States is a creditor of the debtor, the list, schedule, statement, or matrix of creditors submitted with any petition for relief under any chapter of the Code shall include that agency, department, or instrumentality at the address specified on the list of such addresses to be maintained by the Clerk. Copies of the list of addresses shall be made available by the Clerk upon request. Such specified agency, department, or instrumentality shall also be shown in the respective list, schedule, statement, or matrix in care of the United States Attorney at the address of the United States Attorney for the Northern District of Oklahoma:
 - 1. Department of Agriculture (includes Rural Economic & Community Development Service, Consolidated Farm Service Agency, and Commodity Credit Corporation)
 - 2. U.S. Department of Education
 - 3. U.S. Department of Health and Human Services
 - 4. U.S. Department of Housing and Urban Development
 - 5. Internal Revenue Service
 - 6. U.S. Postal Service
 - 7. Small Business Administration
 - 8. U.S. Department of Veterans Affairs
- (d) Official Mailing Matrix.
 - (1) The list containing the name and address of each creditor required by Bankruptcy Rule 1007(a)(1) (the "Official Mailing Matrix") shall be submitted with the petition in every voluntary case and shall constitute the official mailing list for notices required to be given to creditors.
 - (2) The name and address of the debtor and the debtor's attorney shall not be listed on the Official Mailing Matrix.

- (3) The list containing the name and address of each creditor shall be submitted to the Clerk as follows:
 - (A) on a 3.5" computer diskette in single-column, ASCII or plain text format, and shall be uploaded into the Court's database at the time of filing of the bankruptcy petition or,
 - (B) on plain, unlined paper, 8-1/2"x11" in size, in single-column format, provided that only 10-point or 12-point Courier, Times New Roman, or Prestige Elite typeface is used. Each character must be fully formed, and may not touch or overwrite another character. There must be at least one blank line between each address block. Paper shall not have visible lines or other markings.
- (4) An amendment to the Official Mailing Matrix shall be made by a written pleading in accordance with Bankruptcy Rule 9004. Local Rules 1007(d)(1), (2), and (3) do not apply to an amendment to the Official Mailing Matrix.
- (5) An amended Official Mailing Matrix is not permitted. See Local Rule 1009(a)(2); 1009(d).

1008. Verification of Petitions and Accompanying Papers

Any petition, list, schedule, statement of financial affairs, or amendment to such documents, which is presented for filing more than 10 days after having been executed by the debtor, shall be accompanied by a statement, signed by the debtor, that no change in circumstances has occurred in the interim.

1009. Amendments of Voluntary Petitions, Lists, Schedules, and Statements

- (a) Title. When amending any petition, list, schedule, or statement pursuant to Bankruptcy Rule 1009(a) or (b), the following shall be observed:
 - (1) An "amendment to" a document consists of information which modifies or supplements a document. The original document remains effective except for the amendment. An amendment to a document shall be clearly identified as "Amendment to [name of original document]."
 - (2) An "amended" document consists of a replacement document which entirely supersedes an original document. An amended document shall be clearly identified as "Amended [name of original document]."
- (b) Signature of Debtor. All documents filed pursuant to Bankruptcy Rule 1009 must be signed and verified in the same manner as required for the original document.
- (c) Notice to Creditors. If creditors are added to the schedules after the original notice of the first meeting of creditors has been sent, the debtor shall give notice to each additional creditor of the commencement of the case and all applicable bar dates and deadlines and file a certification of such notice.
- (d) Amendment to Official Mailing Matrix. If amendments to lists, schedules or statements are made pursuant to Bankruptcy Rule 1009(a) or (b) reflecting a change or addition to the name or address of a creditor, an amendment to the Official Mailing Matrix shall be submitted in accordance with Local Rule 1007(d)(4). An amended Official Mailing Matrix is not permitted.
- (e) See also Local Rule 1008.

1015. Consolidation of Cases Pending in Same Court

When a joint case is commenced by the filing of a single petition by an individual and that individual's spouse as provided in Section 302(a) of the Code, the debtors' estates shall be jointly administered and substantively consolidated unless a party in interest objects or the Court determines otherwise.

1017. Dismissal or Conversion of Case; Suspension

- (a) Procedure for Dismissal or Conversion. A motion to dismiss or convert a case shall be served by the movant on the debtor, debtor's counsel, the trustee, the United States trustee, any committee appointed under the Code, and any party who has requested notices in the case. An order granting a motion to dismiss or convert shall be served by the Clerk on all interested parties, including, but not limited to, the trustee, the United States trustee, indenture trustees, all creditors, instrumentalities of the United States entitled to notices under Bankruptcy Rule 2002(j), and all parties who have requested notices in the case.
- (b) Notice of Voluntary Conversion of Case Under Chapter 12 or 13. The debtor shall serve a notice of conversion of a case under chapter 12 or 13 to a case under chapter 7 of the Code upon all interested parties, including but not limited to, the trustee, the United States trustee, all creditors, and all parties who have requested notices in the case. See also Local Rule 2002(f).

1019. Conversion of Chapter 11 Reorganization Case, Chapter 12 Family Farmer's Debt Adjustment Case, or Chapter 13 Individual's Debt Adjustment Case to Chapter 7 Liquidation Case

In addition to the requirements of Bankruptcy Rule 1019, the debtor in possession or trustee in a superseded chapter 11 case, and the debtor in a superseded chapter 12 or 13 case, shall file an amendment to the Official Mailing Matrix reflecting the names and addresses of all unscheduled, unpaid post-petition creditors within 15 days following the entry of the order or notice of conversion. See also Local Rules 1009(d) and 5005(f).

1020. Election to be Considered a Small Business in a Chapter 11 Reorganization Case

The debtor shall give notice of an election to be considered a small business to all creditors, indenture trustees, the United States trustee, and all parties who have requested notices in the case.

**PART II. OFFICERS AND ADMINISTRATION;
NOTICES; MEETINGS; EXAMINATIONS;
ELECTIONS; ATTORNEYS AND ACCOUNTANTS**

2002. Notices to Creditors, Equity Security Holders, United States, and United States Trustee

- (a) Twenty-day Notices to Parties in Interest. The proponent or movant shall prepare and give the notices required by Bankruptcy Rule 2002(a)(2), (3), (4), (5), (6), and (7) unless the action is initiated by the Court, in which case the appropriate notice shall be given by the Clerk unless the Court directs otherwise. The notices required by Bankruptcy Rule 2002(a)(8) shall be given by the proponent of the plan unless a plan is filed concurrently with the petition in a chapter 12 case, in which case the notices provided for in Bankruptcy Rule 2002(a)(8) shall be given by the Clerk.
- (b) Twenty-Five Day Notices to Parties in Interest. The notices required by Bankruptcy Rule 2002(b) shall be given by the proponent of the plan or the party whose disclosure statement is being considered, unless a plan is filed concurrently with the petition in a chapter 13 case, in which case the notices provided for in Bankruptcy Rule 2002(b) shall be given by the Clerk. See also Local Rule 3015.
- (c) Notice to Equity Security Holders. The proponent or movant shall prepare and give the notices required by Bankruptcy Rule 2002(d)(3), (4), (5), (6), and (7).

- (d) Notices to the United States. Notices to a department, agency, or instrumentality of the United States given pursuant to Bankruptcy Rule 2002(j) shall be given to the particular department, agency or instrumentality at the address shown on the list of addresses maintained by the Clerk, as specified in Local Rule 1007(c).
- (e) Other Notices. The notice required by Bankruptcy Rule 2002(f)(7) shall be given by the proponent of the plan. The notice required by Bankruptcy Rule 2002 (f)(8) shall be given by the chapter 7 trustee.
- (f) Certificate of Service of Notices. The party serving a notice shall file a certificate of service signed by the person causing the notice to be served, certifying the date of service, the manner of service, and the names and addresses of the persons and entities served. A copy of the notice served shall be attached to the certificate of service.
- (g) Motions to Shorten or Limit Notice. A motion to shorten the time or limit the distribution of any notice required by Bankruptcy Rule 2002 shall state the cause to shorten or limit notice. Such motions may be ruled upon ex parte. See also Local Rule 5005(c).

2004. Examination

- (a) A motion for an examination under Bankruptcy Rule 2004 may be ruled upon ex parte. See also Local Rule 5005(c).
- (b) An examination under Bankruptcy Rule 2004 may be taken by agreement without a motion or order.
- (c) Before filing a motion for the examination of a debtor or a representative of a debtor, the party seeking to take the examination shall make a good faith effort to confer with the debtor, or debtor's counsel if debtor is represented, to arrange for an agreeable date, time and place for the examination, and the motion shall recite compliance with this rule.

2014. Employment of Professional Persons

An application or motion for employment made pursuant to Bankruptcy Rule 2014 may be ruled upon ex parte or may be set for hearing, at the discretion of the Court. Such an application or motion shall be accompanied by a proposed order.

2015. Duty to Keep Records, Make Reports, and Give Notice of Case

- (a) The duty of a chapter 11 trustee or debtor to file reports required by section 704(8) of the Code and Bankruptcy Rule 2015(a)(3) shall continue until the entry of a final decree, unless the Court directs otherwise.
- (b) In a chapter 12 or chapter 13 case, the debtor shall sign and file reports and summaries of the business operations, including farming operations, if applicable, in the form required by the Court or the United States trustee. Within 15 days after the filing of the petition, the debtor must file a report and summary of business operations for the calendar month preceding the month in which the case is filed, and serve the report and summary upon the trustee, the United States trustee, and any party who has requested notices in the case. The debtor shall file monthly reports on or before the 15th day of each succeeding month covering the operations for the preceding calendar month. After confirmation of a chapter 12 or 13 plan, the required reports shall be filed and served upon the trustee and the United States trustee on a quarterly basis until completion of the plan term, unless the Court orders otherwise.
- (c) In chapter 12 cases, the debtor shall promptly furnish the trustee with copies of all federal and state tax returns and tax reports filed by the debtor while the case is pending.

2016. Compensation for Services Rendered and Reimbursement of Expenses

- (a) The statement required by Bankruptcy Rule 2016(b) shall be filed with the petition, but the filing of the statement shall not be a requirement for the commencement of a case under any chapter of the Code. See also Local Rule 1007(a).
- (b) In chapter 11 and chapter 12 cases, attorneys and accountants shall deposit into a trust account all retainer funds received from the debtor pre-petition that had not been earned and applied pre-petition. No retainer funds shall be withdrawn without an order of the Court.

**PART III. CLAIMS AND DISTRIBUTION
TO CREDITORS AND EQUITY INTEREST
HOLDERS; PLANS**

3002. Filing Proof of Claim or Interest

- (a) The Clerk shall prescribe the number of copies to be submitted when filing a proof of claim or interest in a case under any chapter of the Code.
- (b) When a case is converted from chapter 11, 12 or 13 to chapter 7, the "meeting of creditors" for the purpose of Bankruptcy Rule 3002(c) shall mean the meeting of creditors held in the chapter 7 case.

3003. Filing Proof of Claim or Equity Security Interest in Chapter 9 Municipality or Chapter 11 Reorganization Cases

The debtor or the trustee, if one is appointed, shall give notice of the entry of an order fixing or extending the time within which to file proofs of claim or interest in a chapter 9 or chapter 11 case to all creditors, indenture trustees, and equity security holders. See also Local Rule 2002(f).

3004. Filing of Claims by Debtor or Trustee

See Local Rule 3002(a).

3005. Filing of Claim, Acceptance, or Rejection by Guarantor, Surety, Indorser, or Other Codebtor

See Local Rule 3002(a).

3007. Objections to Claims or Interests

- (a) Proofs of interest. Bankruptcy Rule 3007 applies to objections to proofs of interest.
- (b) Objection to claim or interest. An objection to a claim or interest may be given in accordance with Local Rule 9013, with a response time of thirty (30) days specified therein.

3008. Reconsideration of Claims or Interests

Bankruptcy Rule 3008 applies to proofs of interest.

3010. Small Dividends and Payments in Chapter 7 Liquidation, Chapter 12 Family Farmer's Debt Adjustment, and Chapter 13 Individual's Debt Adjustment Cases

- (a) The trustee may distribute payments in amounts less than \$15.00 to creditors.

- (b) Upon satisfactory proof to the trustee that a claim is fully satisfied, the payments that would have otherwise been made on that claim may be distributed by the trustee to holders of unsecured claims on a pro rata basis without requiring modification of the plan.

3015. Filing, Objection to Confirmation, and Modification of a Plan in a Chapter 12 Family Farmer's Debt Adjustment or a Chapter 13 Individual's Debt Adjustment Case

If a chapter 13 plan is filed with the petition, the Clerk shall mail copies of the plan along with the notices required by Bankruptcy Rules 2002(a)(1) and (b). If the chapter 13 plan is not filed with the petition, debtor's counsel shall mail a copy of the plan along with the notice required by Bankruptcy Rule 2002(b) to the debtor, the chapter 13 trustee, the United States trustee, all creditors, and parties listed on the Official Mailing Matrix and shall file a certificate of service thereof. A form of a chapter 13 plan may be obtained from the chapter 13 trustee or from the office of the United States trustee.

3016. Filing of Plan and Disclosure Statement in Chapter 9 Municipality and Chapter 11 Reorganization Cases

A party filing a disclosure statement shall submit separately therewith a proposed order and notice of hearing on disclosure statement substantially conforming to the official form. If the debtor has elected under section 1121(e) of the Code to be considered a small business, the debtor shall submit, at the time of filing a disclosure statement, a proposed order conditionally approving the disclosure statement, fixing a time for filing objections to the disclosure statement, fixing a date for the hearing on final approval of the disclosure statement to be held if a timely objection is filed, fixing a time within which the holders of claims and interests may accept or reject the plan, and fixing a date for the hearing on confirmation.

3018. Acceptance or Rejection of Plan in a Chapter 9 Municipality or a Chapter 11 Reorganization Case

The person designated in a plan to receive ballots to accept or reject a plan shall file a tabulation of the ballots at least three days prior to the date set for hearing on confirmation of the plan and shall serve a copy of the tabulation on the plan proponent, debtor's counsel (or debtor, if unrepresented), counsel to any committee appointed under the Code, the United States trustee, and all other persons who have requested notices in the case. The tabulation shall include the numbers and percentages of acceptances and rejections of each impaired class.

3020. Deposit: Confirmation of Plan in a Chapter 9 Municipality or a Chapter 11 Reorganization Case

The plan proponent shall have the original ballots present at the hearing on confirmation of a plan. The ballots may be introduced into evidence upon request of the Court or a party in interest.

3070. Payments under Chapter 12 Plans

All payments to the chapter 12 trustee shall be made by certified or cashier's check or money order. Neither personal checks nor cash will be accepted as payments under a chapter 12 plan.

3071. Payments under Chapter 13 Plans

- (a) Chapter 13 plans shall state a total amount per month to be paid to the chapter 13 trustee and shall state the length of the plan in months.
- (b) The debtor shall commence making payments to the chapter 13 trustee under a chapter 13 plan within 45 days after the date of the filing of the petition. All payments made by the debtor to the chapter 13 trustee shall be made by certified or cashier's check or money order. Chapter 13 plan payments made by recipients of wage deduction orders or other payment orders may be made to the chapter 13 trustee by check. If any entity tenders a plan payment check which is dishonored, the chapter 13 trustee may require all future chapter 13 plan payments from such entity to be made by certified or cashier's check or money order.

- (c) Cash will not be accepted by the chapter 13 trustee from any entity as payment under a chapter 13 plan.

PART IV. THE DEBTOR: DUTIES AND BENEFITS

4001. Relief From Automatic Stay; Prohibiting or Conditioning the Use, Sale, or Lease of Property; Use of Cash Collateral; Obtaining Credit; Agreements

- (a) Relief from the Automatic Stay of Section 362(a). A motion for relief from the automatic stay of section 362(a) of the Code shall be clearly designated as such in the title of the pleading. Failure to do so may be deemed by the Court to be a waiver of the benefits of an expeditious hearing and automatic termination of the stay upon the conditions stated in section 362(e) of the Code.
- (b) Motions Seeking Relief in Addition to Relief from the Automatic Stay of Section 362(a) and Abandonment of Property. Where a motion for relief from the automatic stay of section 362(a) and abandonment of property includes a request for any additional relief, such a request shall constitute a waiver of the right to an expeditious hearing and automatic termination of the stay upon the conditions stated in section 362(e) of the Code.
- (c) Relief from the Codebtor Stay. A motion for relief from the codebtor stay provided by section 1201(a) or 1301(a) of the Code shall be designated as "Motion for Relief from Codebtor Stay." Failure to do so may be deemed a waiver of the benefit of automatic termination of the stay upon the conditions stated in section 1201(d) or 1301(d) of the Code.
- (d) Discovery. In connection with motions for relief from the automatic stay, the time within which responses to discovery requests are due is shortened from 30 to 12 days. Depositions may be taken after the expiration of 10 calendar days after service of the motion for relief from the automatic stay.
- (e) Applicability of Local Rule 9013, 9014. Local Rules 9013 and 9014 apply to motions for relief from the automatic stay, except for motions made pursuant to sections 1201(c)(2) and 1301(c)(2) of the Code.

4002. Duties of Debtor

In a joint case when only one debtor spouse appears at the meeting of creditors, the non-appearing debtor may be dismissed from the case pursuant to a motion under Local Rule 1017.

PART V. COURTS AND CLERKS

5003. Records Kept by the Clerk

- (a) Exhibits. Original exhibits introduced in any hearing and held by the Clerk may be disposed of by the Clerk
 - (1) After 20 days notice to the party introducing the exhibits to retrieve the exhibits, or
 - (2) Thirty days after the case is closed, without notice to the party introducing the exhibits.
- (b) Stipulation to Custody of Exhibits by Counsel. With the consent of the Court, parties participating in an evidentiary hearing may stipulate (1) that counsel for the party who introduces exhibits into evidence at the hearing may maintain custody of the original exhibits; (2) that counsel maintaining custody of the original exhibits shall insure the integrity and availability of the exhibits until 90 days after the case or adversary proceeding is closed; and (3) that counsel maintaining custody of the original exhibits shall tender them to the Clerk in their original form in the event that such

exhibits are designated as part of the record on appeal, or in the event that counsel can no longer maintain custody, integrity, or availability of the exhibits (i.e., change in location, retirement from practice, etc.). A written stipulation shall be signed by counsel for all parties participating in the hearing, approved by the Court, and filed in the case or adversary proceeding. A list of all exhibits offered by each party participating in the hearing shall be attached to the stipulation prior to filing.

5005. Filing and Transmittal of Papers

- (a) The Clerk shall prescribe the number of copies that must accompany any paper tendered for filing.
- (b) A proposed notice of hearing shall accompany any pleading for which a hearing is desired by the party submitting the pleading, or for which a hearing is contemplated by the Bankruptcy Rules or these Local Rules. The proposed notice of hearing shall not be attached to the pleading, but shall be a separate document submitted to the Clerk. A form of a notice of hearing shall be made available by the Clerk. The party submitting the notice of hearing shall be responsible for service of the notice of hearing upon the proper parties, and service shall be documented pursuant to Local Rule 2002(f). Failure to submit a proposed notice of hearing, if required by these Local Rules, may, in the sole discretion of the Court, constitute grounds to strike the particular pleading, and may be deemed a waiver of a hearing and a consent to the entry of an order on the pleadings.
- (c) Except for motions and other requests for relief that contain a notice of opportunity for hearing pursuant to Local Rule 9013(c), motions or other request for relief that may be ruled upon without a hearing under the Bankruptcy Rules or these Local Rules shall be accompanied by a proposed order. The proposed order shall not be attached to the motion or other request for relief, but shall be a separate document submitted to the Clerk contemporaneously with the filing of the motion or other request for relief. Failure to submit a proposed order constitutes grounds to strike the motion or other request for relief.
- (d) Papers may be filed by facsimile or other electronic means only with leave of the Court on such conditions as the Court may prescribe.
- (e) Any document presented for filing without proper provision for payment of the filing fee may not be accepted for filing by the Clerk.
- (f) In a chapter 11, 12, or 13 case which is converted to a case under chapter 7, no filing fee shall be required for filing the amendment to the Official Mailing Matrix required by Local Rule 1019.
- (g) Local Rules 5005 (b) and (c) do not apply to a motion for summary judgment. See Local Rule 7056.
- (h) See also Local Rule 9004(f).

5011. Withdrawal and Abstention from Hearing a Proceeding

A motion for withdrawal of a case or proceeding brought pursuant to Bankruptcy Rule 5011(a) shall be filed with the Clerk of the Bankruptcy Court. No proposed order is required to be submitted with such motion. Withdrawal and abstention motions are governed by specific District Court Local Rules.

5070. Payment to the Clerk by Check

The Clerk shall maintain a list of persons who have tendered checks to the Clerk that were dishonored. The Clerk may thereafter refuse to accept checks from such persons.

PART VI. COLLECTION AND LIQUIDATION OF THE ESTATE

6004. Use, Sale, or Lease of Property

(a) Notice of Use, Sale, or Lease of Property Not in the Ordinary Course.

- (1) Local Rules 5005(b) and (c), and 9013 do not apply to a notice of proposed use, sale, or lease of property made pursuant to Bankruptcy Rule 6004(a).
- (2) The notice of use, sale, or lease of property shall include the information set forth in Bankruptcy Rule 2002(c)(1). If a date of the proposed action is included in the notice, the notice shall also include the following statement in a separately numbered paragraph: "Objections to the proposed action [sale, lease, use] of the above-described property must be filed and served not less than five days before the date set for the proposed action. If no objection is timely filed or served, the proposed action may be taken without further notice or hearing.@ The notice of use, sale, or lease of property shall be served in accordance with Bankruptcy Rule 6004(a) and, if applicable, Bankruptcy Rule 2002(d)(3).

(b) Sale Free and Clear of Liens and Other Interests.

- (1) Local Rule 9013 does not apply to a motion for authority to sell property free and clear of liens and other interests made pursuant to Bankruptcy Rule 6004(c) or to objections thereto. The motion shall be accompanied by the notice required by Bankruptcy Rule 6004(a) which shall include the information required by Bankruptcy Rules 2002(c)(1) and 6004(c), and the following statement in a separately numbered paragraph: "Objections to the proposed sale must be filed and served not less than five days before the date set for the hearing. If no objection is timely filed or served, the court may strike the hearing and grant the requested relief without further notice or a hearing." The movant may obtain a hearing date from the Clerk or Courtroom Deputy.
- (2) The Notice shall be served pursuant to Bankruptcy Rule 6004(a) and (c), and, if applicable, Bankruptcy Rule 2002(d)(3). Service of the motion and the Notice shall be accomplished within three days of the filing of the motion and Notice, and a certificate of service shall be filed no later than five days prior to the hearing date.

6006. Assumption, Rejection, and Assignment of Executory Contracts and Unexpired Leases

Notice of a motion to assume, assume and assign, or reject an executory contract or unexpired lease, or notice of a motion to require the trustee or debtor to assume, assume and assign, or reject an executory contract or unexpired lease, shall be given by the moving party to the debtor, the trustee and any committee appointed under section 705 or 1102 of the Code and counsel for each of the foregoing, all entities known by the trustee or the debtor to possess or claim a lien or other interest in the contract or lease, and any party who has requested notices in the case. If assumption of a contract or lease under which there has been a default is proposed, the motion shall describe the default and proposed method of satisfying the provisions of section 365(b) of the Code.

6007. Abandonment or Disposition of Property

(a) Service of Notice of Intent to Abandon.

- (1) Property with an estimated gross value of \$1,000 or less may be abandoned by a trustee or debtor in possession after filing a report of intent to abandon with the Court, and without any other notice or hearing.

- (2) Notice by the trustee or debtor in possession of a proposed abandonment of property with an estimated gross value greater than \$1,000 shall be in accordance with Bankruptcy Rule 6007(a) and Local Rule 2002(f).

- (b) Motion by Party in Interest. See Local Rules 9013 and 9014.

PART VII. ADVERSARY PROCEEDINGS

7003. Commencement of Adversary Proceeding

Every adversary complaint shall be accompanied by a cover sheet in a form prescribed by the Clerk.

7004. Process; Service of Summons, Complaint

- (a) Prior to the issuance of a summons by the Clerk, a party requesting a summons shall submit two copies of each requested summons to the Clerk. The caption of the summons shall include the caption of the case as well as the adversary proceeding. The name of the defendant to be served shall be specified in the summons. In the space on the summons designated for the name and address of plaintiff's attorney, the plaintiff shall also provide the telephone number of the plaintiff's attorney, or the telephone number of the plaintiff, if the plaintiff is pro se.
- (b) In the case of service upon the United States, in addition to the requirements of Bankruptcy Rule 7004(b)(4), if an agency, department, or instrumentality of the United States shown on the list maintained by the Clerk referred to in Local Rule 1007(c) is involved, a copy of the summons and complaint shall also be served on the agency, department, or instrumentality at the address specified on the Clerk's list.

7005. Service and Filing of Pleadings and Other Papers

- (a) The Clerk shall prescribe the number of copies of pleadings and other papers to be submitted for filing in an adversary proceeding.
- (b) Requests for oral depositions, interrogatories, requests for production of documents, requests for admissions, and answers and responses thereto shall be served on all parties to the adversary proceeding, but shall not be filed unless so ordered by the Court or attached to a pleading for use in the proceeding. If Court intervention is sought concerning any discovery matter, copies of the portions of the discovery material at issue shall be attached as exhibits to the discovery motion or, if voluminous, filed contemporaneously as an appendix to the discovery motion. Copies of relevant discovery materials may also be filed in a like manner in connection with any response to a discovery motion.
- (c) Papers may be filed by facsimile or other electronic means only with leave of the Court on such conditions as the Court may prescribe.

7007. Pleadings Allowed; Briefs

- (a) Briefs. Except for those motions enumerated in subparagraph (b) of this rule, each motion, application or objection filed in an adversary proceeding shall include, or be accompanied by, a concise brief. A brief in opposition, if filed, shall be filed within 15 days after the filing of the original motion, application or objection, and a reply brief to the brief in opposition, if filed, shall be filed within 10 days after filing of the brief in opposition. No other briefs shall be permitted without leave of Court. The failure to file a brief with a motion, or failure to file a response brief or reply brief within the time parameters set forth herein shall constitute consent that the Court may rule without further notice on the pleadings timely submitted.

- (b) Motions Not Requiring Briefs. No brief is required by either movant or respondent in connection with the following motions filed in an adversary proceeding:
- (1) To extend the time for the performance of an action required or allowed to be done, if the request is made before the expiration of the period originally prescribed, or as extended by previous orders;
 - (2) To continue a pretrial, status, or scheduling conference, a hearing, or the trial of an action;
 - (3) To amend pleadings;
 - (4) To file supplemental pleadings;
 - (5) For substitution of parties;
 - (6) To name additional parties; and
 - (7) To stay proceedings to enforce a judgment.
- (c) Motions for Summary Judgment. See Local Rule 7056 for additional requirements in connection with the form of motions for summary judgment and briefs in support and opposition thereto.

7010. Form of Pleadings

See Local Rule 9004.

7012. Defenses and ObjectionsCWhen and How PresentedCBy Pleading or MotionCMotion for Judgment on the Pleadings

Extensions of Time. Upon request filed within the time permitted to serve an answer or responsive pleading to a complaint, the Clerk is authorized to grant the defendant the first extension of time, not to exceed 15 days, within which to respond to the complaint. Subsequent requests for extension of time shall contain a statement that counsel for plaintiff has been consulted regarding the requested extension and whether the plaintiff consents or objects.

7016. Pretrial Procedure; Formulating Issues

- (a) Failure to attend a pretrial conference or failure to comply with the instructions contained in the order setting a pretrial conference or a scheduling order may result in an order adverse to the party failing to attend or comply, including dismissal or entry of judgment.
- (b) A motion to continue a pretrial conference must state the reason therefor, and shall contain a statement that the adverse party has been consulted regarding the requested continuance and whether the adverse party consents or objects. The motion shall be filed not later than five days prior to the date set for the pretrial conference, and shall be accompanied by a proposed order.
- (c) Unless the Court orders otherwise, Local Rule 9017 applies in adversary proceedings.
- (d) Unless the Court orders otherwise, the plaintiff shall prepare the initial draft of a pretrial order. The proposed pretrial order submitted to the Court shall be the product of cooperation between the parties and shall be signed by all parties as an agreed pretrial order.

7026. General Provisions Governing Discovery

- (a) Filing of pleadings and other papers, including certain discovery papers, is governed by Local Rule 7005.
- (b) Every motion or objection relating to a discovery dispute shall contain a statement that counsel for the moving party has consulted with counsel for the adverse party concerning the motion or objection and the parties have failed to resolve the discovery dispute despite good faith efforts. If the parties agree that certain discovery orders such as discovery scheduling orders or protective orders should be entered, the parties may submit a joint motion and a proposed agreed order in accordance with Local Rule 5005(c).
- (c) Rules 26(a)(1), (2) and (3), the first sentence of Rule 26(d), and Rule 26(f) of the Federal Rules of Civil Procedure shall not apply to adversary proceedings or contested matters.

7030. Depositions Upon Oral Examination

- (a) Before filing a notice of deposition of a party, counsel for the party seeking to take the deposition shall make a good faith effort to confer with the proposed deponent through deponent's counsel, if any, to arrange an agreeable date, time and place for the deposition.

7038. Jury Trial of Right

- (a) Rule 38 of the Federal Rules of Civil Procedure applies in cases and proceedings before this Court, except that a jury demand shall be filed in accordance with Bankruptcy Rule 5005.
- (b) Rule 38.1 of the District Court Local Rules applies in cases and proceedings before this Court.
- (c) If the right to a jury trial applies and a timely demand for trial by a jury has been filed, the parties may consent to have a jury trial conducted by a bankruptcy judge by jointly or separately filing a statement of consent no later than 10 days after the last date upon which a timely jury demand may be made.

7039. Trial By Jury or By the Court

Rule 39 of the Federal Rules of Civil Procedure applies in cases and proceedings before this Court.

7041. Dismissal of Adversary Proceedings.

- (a) A plaintiff may not voluntarily dismiss a complaint objecting to the discharge of the debtor without notice to all parties in interest in the bankruptcy case. A motion to dismiss such a complaint shall be prepared in accordance with Local Rule 9013(a), (b) and (c) and shall be served upon the trustee, the United States trustee, all creditors, and any person who has requested notices in the case. Responses to the motion to dismiss shall be made within 15 days of the date the motion was filed and shall be filed and served upon the moving party. Such responses are governed by Local Rule 9013(d).
- (b) Bankruptcy Rule 7041 applies in all contested matters. See Bankruptcy Rule 9014.

7043. Lists to Assist Jury Deliberations

- (a) Witnesses Called. Upon completion of a jury trial where six or more witnesses have testified, the parties shall jointly provide to the courtroom deputy a list of witnesses who testified. The courtroom deputy shall provide the list to the jury to assist in deliberations.

- (b) Exhibits Received. Upon completion of a jury trial where six or more exhibits have been received into evidence, the parties shall each provide a list of admitted exhibits to the courtroom deputy. The courtroom deputy shall provide the lists to the jury to assist in deliberations.

7047. Selection of Jurors; Communications with Jurors

- (a) Rule 47 of the Federal Rules of Civil Procedure applies in cases and proceedings before this Court.
- (b) The jury plan of the District Court governs jury selection in this Court.
- (c) Rule 47.2 of the District Court Local Rules regarding communications with jurors applies in cases and proceedings before this Court.

7048. Number of Jurors; Participation in Verdict

- (a) Rule 48 of the Federal Rules of Civil Procedure applies in cases and proceedings before this Court.
- (b) Rule 48.1 of the District Court Local Rules applies in cases and proceedings before this Court.

7049. Special Verdicts and Interrogatories

Rule 49 of the Federal Rules of Civil Procedure applies in cases and proceedings before this Court.

7050. Judgment as a Matter of Law in Actions Tried by Jury; Alternative Motion for New Trial; Conditional Rulings.

Rule 50 of the Federal Rules of Civil Procedure applies in cases and proceedings before this Court.

7051. Instructions to Jury; Objection

Rule 51 of the Federal Rules of Civil Procedure applies in cases and proceedings before this Court.

7054. Judgment; Costs

The Clerk is not authorized to tax costs unless presented with a judgment that specifically awards costs to the party seeking costs.

7056. Summary Judgment

- (a) Brief in Support of Motion for Summary Judgment. A motion for summary judgment (or partial summary judgment) shall include or be accompanied by a brief in support thereof. A brief in support of a motion for summary judgment (or partial summary judgment) shall begin with a section that contains a concise statement of material facts as to which movant contends no genuine issue exists. Each fact shall be stated in a separately numbered paragraph and shall refer with particularity to those portions of the affidavits, discovery materials, pleadings, or other parts of the record before the Court upon which the movant relies. Affidavits, discovery materials, and other relevant portions of the record upon which the movant relies shall be attached to the brief, or, if lengthy, submitted in a separate appendix to the brief. The statement of material facts shall be followed by the movant's argument and authorities.
- (b) Response Brief. A brief in response to a motion for summary judgment (or partial summary judgment) shall be filed within 15 days after the filing of the brief in support of the motion for summary judgment. The response brief shall begin with a section stating, by paragraph number, each of the movant's facts to which the non-movant contends a genuine issue exists, and shall refer

with particularity to those portions of affidavits, discovery materials, pleadings, and other relevant parts of the record before the Court upon which the non-movant relies to dispute the movant's fact. All material facts set forth in the movant's statement shall be deemed admitted for the purpose of summary judgment unless specifically controverted by a statement of the non-movant that is supported by evidentiary material.

If the non-movant contends that other material facts exist which preclude summary judgment, the non-movant shall set forth each such material fact in a separately numbered paragraph and shall refer with particularity to those portions of affidavits, discovery materials, pleadings, and other relevant parts of the record before the Court upon which the non-movant relies to dispute the movant's fact. Affidavits, discovery materials, and other relevant portions of the record upon which the non-movant relies shall be attached to the brief, or, if lengthy, submitted in a separate appendix to the brief.

The non-movant's dispute of movant's statement of material facts and statement of other material facts, if any, shall be followed by the non-movant's argument and authorities.

- (c) Reply Briefs to Address New Matters. The movant may file a reply brief within 10 days after date the response brief was filed, but such reply brief shall address only new matters set forth in the non-movant's response brief.
- (d) The Record. The record on summary judgment shall consist of all materials permitted by Rule 56 of the Federal Rules of Civil Procedure that are properly in the record before the Court. Documentary evidence must be authenticated by affidavit or otherwise demonstrated to be admissible under the Federal Rules of Evidence in order to be considered on summary judgment.
- (e) Hearing. Unless a hearing is requested by a party, a hearing shall be deemed waived and the motion for summary judgment will be ripe for decision upon the expiration of the time for filing responses and replies, if any, under these rules or as otherwise set by the Court.
- (f) Time. Bankruptcy Rule 9006 governs the calculation of time with respect to motions and briefs permitted by this Local Rule.

PART VIII. APPEALS TO DISTRICT COURT OR BANKRUPTCY APPELLATE PANEL

8006. Record and Issues on Appeal

- (a) A designation of items to be included in the record on appeal shall describe the items to be included by docket number, filing date, and the title or a description of the item.
- (b) Copies of designated items furnished to the Clerk pursuant to Bankruptcy Rule 8006 shall be file-stamped if the original item bears a file stamp.
- (c) If a party fails to provide the Clerk with copies of designated items, the party shall advance to the Clerk the cost of copying the items.
- (d) The Clerk shall notify the bankruptcy judge if any party fails to take action necessary to enable the Clerk to assemble and transmit the record. The notice shall be in writing and filed in the case or proceeding.

8007. Completion and Transmission of the Record; Docketing of the Appeal

- (a) The reporter's endorsed request for a transcript and the reporter's request for extension of time pursuant to Bankruptcy Rule 8007(a) shall be filed with the Clerk.

- (b) If any party to an appeal from an order of the Bankruptcy Court fails to timely designate the items to be included in the record on appeal, fails to make satisfactory arrangements for the production of a transcript or for the copying of designated items by the Clerk, or otherwise fails to take action necessary to enable the Clerk to assemble and transmit the record,
 - (1) any other party to the appeal may file in the District Court a motion to dismiss the appeal, in which event the following procedure shall be followed:
 - (A) Movant shall promptly submit a file-stamped copy of the motion to dismiss the appeal to the Clerk of the Bankruptcy Court;
 - (B) Movant shall, within 10 days after filing the motion to dismiss the appeal, file with the Clerk of the Bankruptcy Court and serve on other parties to the appeal a designation of record for purposes of hearing the motion to dismiss, pursuant to Bankruptcy Rule 8007(c);
 - (C) Other parties to the appeal shall, within 10 days after service of the movant's designation under subsection (B) above, file and serve a designation of additional items to be included in the record for purposes of hearing the motion to dismiss, pursuant to Bankruptcy Rule 8007(c);
 - (D) The parties shall make arrangements for delivery of or ordering copies, transcripts, and the like as prescribed in Bankruptcy Rules 8006 and 8007(a); and
 - (E) When the record is complete for purposes of the motion to dismiss the appeal, the Clerk shall transmit a copy thereof forthwith to the Clerk of the District Court.
 - (2) The Bankruptcy Court may, on its own motion or on request of any party to the appeal, direct the Clerk to transmit the record in its then-existing, incomplete form, together with a certification of the reasons why such record is incomplete, to the Clerk of the District Court.

8008. Filing and Service

All papers filed by parties to the appeal in the District Court prior to transmission of the record on appeal to the District Court Clerk shall also be filed in the Bankruptcy Court.

8070. Non-Applicability of Part VIII of Local Rules to Appeals to the BAP

Part VIII of these Local Rules shall not apply to appeals to the BAP, unless and until a party elects to have the appeal heard by the District Court pursuant to 28 U.S.C. ' 158(c)(1) and applicable BAP rules, and thereafter, Part VIII of these Local Rules shall apply to the appeal.

PART IX. GENERAL PROVISIONS

9001. General Definitions

See Local Rule 1001.

9004. General Requirements of Form

- (a) Documents which are drawn for the purpose of filing in a case or proceeding shall be on white paper no more than 8-1/2 inches wide by 11 inches long; shall be drawn upon one side of the page only, unless a prescribed official form is two-sided; and shall be two-hole punched in the center of the top margin.

- (b) Documents which were drawn for another purpose, but which are tendered for filing in a case or proceeding as attachments, exhibits, etc., should be enlarged or reduced to conform to the size requirement in subsection (a) of this rule, unless reducing the size of the document will render the document unreadable.
- (c) The style of any document filed in a case or proceeding shall contain the caption of the case as prescribed by Bankruptcy Rule 1005 and shall list, directly under the case number, the number of the chapter of the Code under which the case is pending. The document shall be titled so as to clearly describe the nature of the document.
 - (1) An "amendment to" a document consists of information which modifies or supplements a document. The original document remains effective except for the amendment. An amendment to a document shall be clearly identified as "Amendment to [name of original document]."
 - (2) An "amended" document consists of a replacement document which entirely supersedes an original document. An amended document shall be clearly identified as "Amended [name of original document]."
- (d) When a document is signed by an attorney, the attorney's full name, state bar number, address, telephone number, facsimile number (if applicable), and name of party or parties represented shall be shown on the document beneath the signature line.
- (e) When a document is signed by a debtor, the debtor's name shall be signed as it appears in the style of the case.
- (f) Service of all pleadings shall be memorialized by a certificate of service signed by the person causing service to be made, certifying the date of service, the manner of service, and the names and addresses of the persons and entities served. If service is not to be accomplished on the day the pleading is filed, a separate certificate of service shall be filed to which a copy of the first page of the pleading served shall be attached.

9006. Time

- (a) Enlargement of Time. All requests for enlargement of time under Bankruptcy Rule 9006(b) or reductions of time under Bankruptcy Rule 9006(c) shall state:
 - (1) The cause for such request;
 - (2) The date due without the requested enlargement or reduction;
 - (3) The dates of any previous applications and the results thereof; and
 - (4) A statement that the consent of the other parties in interest has been requested, whether such parties consent or object, and the identity of parties consenting or objecting; or if consent was not requested, the reason therefor.
- (b) Continuances. All requests for continuances of hearings shall be in writing, shall be filed at least three days prior to the date set for the hearing, shall state cause for such request, and shall contain a statement that all other parties to the hearing have been contacted regarding the requested continuance and whether such parties consent or object. If an emergency renders a timely motion impossible, the motion shall describe the emergency and shall represent that a timely motion was impossible. Continuances are not favored by the Court and the Court may, in its discretion, deny a request for a continuance notwithstanding consent to a continuance by all parties to the proceeding.

A hearing may be continued by the Court from time to time without further notice other than an announcement at the originally scheduled hearing of the date of the continued hearing.

- (c) Ex-parte ruling. Requests described in subsections (a) and (b) of this rule may be ruled upon ex parte. See also Local Rule 5005(c).

9010. Representation and Appearances; Powers of Attorney; Scheduling Conflicts

- (a) Eligibility to Practice. An attorney who has been admitted to practice and remains in good standing before the United States District Court for the Northern, Western, or Eastern Districts of Oklahoma, or before the Supreme Court of the State of Oklahoma, may practice before this Court without special permission.
- (b) Permission to Appear Pro Hac Vice. An attorney who has been admitted to practice and remains in good standing before any other Court of the United States, or before the highest Court of any other State, and who is familiar with these Local Rules may practice before this Court by permission of and on such conditions as may be set by the Court. Permission to practice before the Court may be requested by filing a written motion or by making an oral request during any proceeding before this Court, followed by a written motion. See Rule 5005(c).
- (c) Entry of Appearance. An attorney appearing for a party in a case or adversary proceeding who desires to receive notices pursuant to Bankruptcy Rule 2002(g) must file an entry of appearance requesting notices. See also Local Rule 9004(d).
- (d) Withdrawal. An attorney shall be permitted to withdraw from a case or a proceeding, or both, only upon leave of Court. A request to withdraw shall state the reason therefor, the current status of the case including the pendency of any hearings, and whether substitute counsel has been obtained by the client. The request shall be served upon the client and other interested parties. Withdrawal may be conditioned upon such terms as the Court may require.
- (e) Scheduling Conflicts. The Interim Standing Order, Misc. Order No. 100, captioned *In re Guidelines for Resolving Scheduling Conflicts with Federal District Courts in the State of Oklahoma, Oklahoma State Courts, and the United States Court of Appeals for the Tenth Circuit*, effective October 1, 1998, is incorporated herein. A copy of the Interim Standing Order is appended to these rules as Appendix A.
- (f) Rules of Professional Conduct. The Oklahoma Rules of Professional Conduct are incorporated herein as rules governing attorney conduct before this Court. See Title 5 of the Oklahoma Statutes, Chapter 1, App. 3-A.

9013. Motions; Form and Service

- (a) Hearing on Request for Relief. When relief is requested by the filing of a motion or other request for relief, unless a hearing is required by the Code, applicable rules, or a Court order, such a request for relief requires only notice of an opportunity for a hearing.
- (b) Time and Manner of Service. When a motion is filed, a file-stamped copy of the motion shall be served by the movant upon all parties entitled to receive notice thereof within two (2) days of the filing date. Mailing of the motion in compliance with Bankruptcy Rule 7004(b), and in the case of notice to an agency, department or instrumentality of the United States to the address maintained by the Clerk specified in Local Rule 1007(c), properly addressed, within two (2) days of the filing date shall constitute compliance with this rule.
- (c) Notice of Opportunity for Hearing.
 - (1) Except for requests for relief specified in subdivision (e), if a motion or other request for relief is filed for which the Code does not require a hearing but permits an opportunity for a hearing as defined by section 102(1) of the Code, and a hearing is not requested by the movant, the movant shall include the following language in the title of the request for

relief: Aand Notice of Opportunity for Hearing,@ and the body of the motion shall contain the following statement:

NOTICE OF OPPORTUNITY FOR HEARING

Your rights may be affected. You should read this document carefully and consult your attorney about your rights and the effect of this document. If you do not want the Court to grant the requested relief, or you wish to have your views considered, you must file a written response or objection to the requested relief with the Clerk of the United States Bankruptcy Court for the Northern District of Oklahoma, 224 South Boulder, Tulsa, Oklahoma 74103 no later than *___ days from the date of filing of this request for relief. You should also mail a file-stamped copy of your response or objection to the undersigned movant/movant-s attorney [and others who are required to be served] and file a certificate of service with the Court. If no response or objection is timely filed, the Court may grant the requested relief without a hearing or further notice. **The ___ day period includes the 3 days allowed for mailing provided for in Rule 9006(f) Fed. R. Bankr. Proc.**

***The moving party shall insert the appropriate response time. If a response time to a request for relief is prescribed elsewhere by applicable statute, rule, or order, such response time shall be used. If a response time is not prescribed elsewhere, the response time shall be 15 days.**

After expiration of the time for filing a response or objection, if no response or objection is timely filed and if the movant has complied with this Local Rule 9013(c)(1), the movant may file a request for entry of an order granting the requested relief, and the Court may grant the relief requested without further notice or a hearing. The request for entry of an order shall state the facts of service of the original request for relief and that no response or objection has been timely filed, or if untimely filed, stating the pertinent facts. A copy of the original request for relief shall be submitted with the request for entry of an order. A proposed order shall accompany, but not be attached to, the request for entry of an order.

- (2) Procedure If a Hearing is Requested by Movant or Is Otherwise Required. If a motion or other request for relief is filed for which a hearing is required, or if a hearing is requested by the movant, the movant shall submit to the Clerk a proposed notice of hearing along with, but not attached to, the request for relief. See also Local Rule 5005(b).
- (3) Ex Parte Motions and Requests for Relief. See Local Rule 5005(c).
- (d) Responses to Requests for Relief. If a response to a motion or to a request for relief is filed, and no hearing has been set, the respondent shall submit to the Clerk a proposed notice of hearing, together with, but not attached to, the responsive pleading. If the respondent does not resist the requested relief or request other relief, or the Code, rules, or Court order does not require a hearing or an opportunity for a hearing, no notice of hearing need be submitted. See also Local Rule 5005(b).
- (e) Subsection (c) of this rule does not apply to:
 - (1) A notice of sale not in the ordinary course of business made pursuant to Bankruptcy Rule 6004(a). See Local Rule 6004(a).
 - (2) An objection to a proposed use, sale, or lease of property pursuant to Bankruptcy Rule 6004 (b). See Local Rule 6004(a) and (b).

- (3) A motion for sale free and clear of liens and/or interests made pursuant to Bankruptcy Rule 6004(c). See Local Rule 6004(b).
- (4) An objection to a disclosure statement made pursuant to Bankruptcy Rule 3017(a) or 3017.1(c)(2).
- (5) An objection to confirmation of a plan filed pursuant to Bankruptcy Rule 3020 (b)(1).
- (6) Any request for relief brought pursuant to Part VII--Adversary Proceedings or Part VIII--Appeals to District Court or Bankruptcy Appellate Panel of the Bankruptcy Rules, except in the case of a motion to dismiss a complaint objecting to discharge. See Local Rule 7041.
- (7) An objection to confirmation of a plan in a chapter 12 or 13 case filed pursuant to Bankruptcy Rule 3015(f).
- (8) A motion for relief from the stay of action against a codebtor provided by sections 1201(c)(2) and 1301(c)(2) of the Code.
- (9) A motion made pursuant to Bankruptcy Rule 9011(a).
- (10) A motion for summary judgment made pursuant to Bankruptcy Rule 7056. See Local Rule 7056.
- (11) A motion for withdrawal of a case or proceeding brought pursuant to Bankruptcy Rule 5011(a). See Local Rule 5011.
- (12) A motion to appoint a trustee or examiner pursuant to Bankruptcy Rule 1104.
- (f) Motions or other requests for relief made under subsection (c) of this rule that are pending in a case at the time a case is closed will be stricken for lack of prosecution. The order closing the case will operate as the order striking any such motions or other requests for relief.
- (g) Pleadings, including but not limited to objections, responses, briefs, and supplements to pleadings, that are filed later than three business days before the hearing scheduled on the matter to which the pleading relates may be disregarded by the Court.

9014. Contested Matters

- (a) Local Rule 9013 applies to motions or objections initiating contested matters, except to the extent excluded by subdivision (e) thereof.
- (b) See also Local Rule 5005(b).
- (c) Bankruptcy Rule 7041 applies to dismissals and withdrawals of pleadings that initiate contested matters.

9015. Jury Trial

See Local Rule 7038.

9017. Evidence

Copies of pre-marked exhibits intended to be introduced at a hearing and a list of witnesses intended to be called in a case or proceeding shall be transmitted to each interested party in a manner calculated to be received at least three days prior to the scheduled hearing date. Two copies of such pre-marked exhibits and witness lists shall be submitted to, but not filed with, the Clerk at least three days prior to the hearing. This rule does not apply to hearings in a Chapter 13 case unless the matter is specially set for an evidentiary hearing or unless specifically ordered by the Court.

9019. Compromise and Arbitration

Motions filed by the trustee pursuant to Bankruptcy Rule 9019 to approve the compromise or settlement of controversies shall be filed in the bankruptcy case and shall be served on the debtor, debtor's counsel, the United States trustee, and parties who have requested notices in the case. If a proposed settlement or compromise of an adversary proceeding affects the estate, the parties shall file a joint motion for approval of such compromise in the adversary proceeding and in the bankruptcy case and serve the motion upon the debtor, debtor's counsel, the trustee, the United States trustee, and parties who have requested notices in the case. A motion filed under this rule shall describe with specificity the contentions of the parties and the basis and terms of the settlement. A motion filed under this rule may utilize the procedure for notice of opportunity for hearing contained in Local Rule 9013(c). The Court, in its discretion, may set the motion for hearing notwithstanding compliance with the procedures of Local Rule 9013(c). A notice of hearing on the motion shall be served on the parties name above pursuant with Bankruptcy Rule 2002(a)(3) and Local Rule 2002(a).

9034. Transmittal of Pleadings, Motion Papers, Objections, and Other Papers to the United States Trustee

Papers required to be transmitted to the United States trustee pursuant to Bankruptcy Rule 9034 may be delivered to the Clerk at the time of filing the paper.

9070. Alternative Dispute Resolution

- (a) Settlement Conference. The Court may, upon its own initiative or at the request of any of the parties, order a settlement conference at a time and place to be fixed by the Court.
- (b) Settlement Judge Disinterested. A district judge, a bankruptcy judge (other than the judge assigned to the case), a magistrate judge, or an adjunct settlement judge designated by the Court, will normally preside at the settlement conference. The settlement judge will take no part in adjudicating the case subsequent to the settlement conference.
- (c) Case or Proceeding to Continue. Unless otherwise ordered by the Court, the scheduling of settlement conferences or other alternate dispute resolution procedures will not continue, delay, or otherwise interfere with scheduling dates set pursuant to other orders in the case or proceedings. Likewise, any modification of a scheduling order will not affect the date of a settlement conference set pursuant to a separate settlement conference order.
- (d) Fully Authorized Representatives Required. At least one attorney for each of the parties who is fully familiar with the case shall appear for each party. A person or representative with full settlement authority as defined in the Court's settlement conference order shall accompany the attorney to the settlement conference. Other interested parties, such as insurers or indemnitors, shall attend through fully authorized representatives and are subject to the provisions of this rule. The settlement judge may, however, with special permission upon prior written application, allow the party having full settlement authority to be telephonically available. The settlement judge presiding over the settlement conference may make such other and additional requirements of the parties as shall be deemed proper in order to expedite an amicable resolution of the case.
- (e) Confidences Kept. It is expected that the parties, their representatives, and attorneys be completely candid with the settlement judge so that settlement discussions may be properly and productively guided. To encourage candor, the confidential nature of settlement discussions conducted under the auspices of a court-sponsored settlement conference will be absolutely respected by all participants, and strictly enforced by the Court. The settlement judge may meet jointly or individually with any of the participants. Statements made in any settlement conference will not be shared with participants not party to the settlement conference, unless specific permission of the declarant is obtained. Any statement made in the context of the settlement conference will not constitute an admission and will not be used in any form in the litigation or trial of the case. The settlement judge will not discuss the substance of the conference with the judge to whom the case is assigned.

- (f) Adjunct Settlement Judges. Adjunct settlement judges shall be selected by the Court from among members of the bar in good standing and chosen based upon their expertise, experience, actual and apparent impartiality, training, temperament, and reputation for fairness. They shall be invited to serve for an initial term without compensation and commit to conduct up to twelve settlement conferences during that term. The initial term shall extend for one year, or until the number of settlement conferences designated for the term (up to a maximum of 12) are completed, whichever is longer. Once appointed and trained, an adjunct settlement judge may volunteer to serve additional terms, or to conduct additional conferences within a term, but shall not be expected by the Court to do so. No adjunct settlement judge may be called as a witness, except in an action to enforce the settlement agreement. In that instance, the adjunct settlement judge shall not be deposed, and shall testify as the Court's witness.
- (g) Special Projects. In cases where the settlement effort is expected to be extensive, or in connection with discovery matters, the Court may appoint an adjunct settlement judge as a special project settlement or discovery judge, and order the parties to pay for his or her time at a reasonable hourly rate. Such payment shall be apportioned between the parties as agreed, or by the Court on an equitable basis.
- (h) Governmental Entities. In the event a governmental entity which is a party determines that it will be unable to provide a representative with full settlement authority at the settlement conference, the governmental entity shall promptly move for leave to proceed with a representative with limited authority. The motion shall be delivered (not filed) to the settlement judge not later than 11 days prior to the conference and shall contain:
- (1) The reasons which make it impracticable for a party's representative to appear with full settlement authority;
 - (2) A detailed description of the limited authority to be exercised at the conference; and
 - (3) Alternative proposals by which full authority may be exercised at or subsequent to the conference.
- The motion need not be transmitted to the opposing parties. Upon consideration of the motion, the settlement judge may allow the governmental entity to appear with limited authority or may, notwithstanding the motion, require appropriate persons to appear as may be necessary to have full settlement authority at the conference. Any adjunct settlement judge may defer such determination to the bankruptcy judge then supervising the adjunct settlement judge program.
- (i) Other Alternative Methods. The Court may, in its discretion, set any civil case for summary jury trial, mini-trial, executive summary jury trial (summary jury trial where chief executive officers of corporate parties participate as part of a three judge trial panel), mediation, arbitration, or other method of alternative dispute resolution as the Court may deem proper, so long as due process is not abrogated or impaired.
- (j) Certificate of Circumstances. In the event a party, attorney, insurer, or indemnitor fails to comply with the settlement conference order or participate in good faith in any court-sponsored alternative dispute resolution proceeding, the settlement judge may certify such circumstances in writing to the bankruptcy judge and recommend appropriate action. All parties shall be served with copies of the certification and be afforded an opportunity to respond. The Court may then impose any remedial, compensatory, disciplinary, contempt, or sanction measures it deems appropriate under the circumstances certified.

9071. Effect of Amendment of Local Rules of the District Court

The District Court Local Rules made applicable in cases or proceedings by these rules shall be the District Court Local Rules in effect on the effective date of these rules and as thereafter amended, unless otherwise provided by such amendment.

1285.7

EXHIBIT AA●

**UNITED STATE BANKRUPTCY COURT
NORTHERN DISTRICT OF OKLAHOMA**

In re)	
)	
GUIDELINES FOR RESOLVING)	MISC. ORDER NO. <u>100</u>
SCHEDULING CONFLICTS WITH)	
FEDERAL DISTRICT COURTS IN)	
THE STATE OF OKLAHOMA,)	
OKLAHOMA STATE COURTS,)	
AND THE UNITED STATES)	
COURT OF APPEALS FOR THE)	
TENTH CIRCUIT)	

INTERIM STANDING ORDER

Pursuant to the General Order entered by the United States Court of Appeals for the Tenth Circuit on May 21, 1998, and for the purpose of resolving conflicts that arise in scheduling between this Court and federal district courts in the State of Oklahoma, Oklahoma district and appellate courts, or the United States Court of Appeals for the Tenth Circuit, the Court adopts the following guidelines by this Miscellaneous Order, which shall be incorporated into the Local Rules for this district:


- (1020) An attorney shall not be deemed to have a conflict unless:
- (1) the attorney is lead counsel in two or more of the actions affected;
and
 - (2) the attorney certifies that the matters cannot be adequately handled, and the client-s interest adequately protected, by other counsel for the party in the action or by other attorneys in lead counsel-s firm; certifies compliance with this rule and has nevertheless been unable to resolve the conflicts; and certifies in the notice a proposed resolution by list of such cases in the order of priority specified by this rule.
- (1021) When an attorney is scheduled for a day certain by trial calendar, special setting or court order to appear in two or more courts (trial or appellate, state or federal), the attorney shall give prompt written notice, as specified

in (A) above, of the conflict to opposing counsel, to the clerk of each court and to the judge before whom each action is set for hearing (or to an appropriate judge if there has been no designation of a presiding judge). The written notice shall contain the attorney's proposed resolution of the appearance conflicts in accordance with the priorities established by this rule and shall set forth the order of cases to be tried with a listing of the date and data required by (B)(1)-(4) as to each case arranged in the order in which the cases should prevail under this rule. Attorneys confronted by such conflicts are expected to give written notice as soon as the conflict arises but in any event at least seven (7) days prior to the date of the conflicting settings. In resolving scheduling conflicts, the following priorities should ordinarily prevail:

- (1) Criminal (felony) actions shall prevail over civil actions set for trial or appellate proceedings;
 - (2) Jury trials shall prevail over non-jury matters, including trials and administrative proceedings;
 - (3) Trials shall prevail over appellate arguments, hearings and conferences;
 - (4) Appellate proceedings prevail over all trial hearings, other than actual trials;
 - (5) Within each of the above categories only, the action which was first set shall take precedence.
- (1022) In addition to the above priorities, consideration should be given to the comparative age of the cases, their complexity, the estimated trial time, the number of attorneys and parties involved, whether the trial involves a jury, and the difficulty or ease of rescheduling.
- (1023) The judges of the courts involved in a scheduling conflict shall promptly confer, resolve the conflict, and notify counsel of the resolution. The judge presiding over the older case (i.e., the earliest filed case) will be responsible for initiating this communication.
- (1024) Conflict resolution shall not *require* the continuance of the other matter or matters not having priority. In the event the matter determined to have priority is disposed of prior to the scheduled time set, the attorney shall immediately notify all affected parties, including the court(s) affected, of the disposal and shall, absent good cause shown to the court(s), proceed with the remaining case or cases which did not have priority if the setting was not vacated.
- (1025) Nothing in these guidelines is intended to prevent courts from voluntarily yielding a favorable scheduling position, and judges of all courts are urged to communicate with each other in an effort to lessen the impact of conflicts and continuances on all

courts.

This Order shall be effective from and after October 1, 1998.



DANA L. RASURE, CHIEF JUDGE
UNITED STATES BANKRUPTCY COURT